

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Makusha Gozo,

Case No. 24-cv-1389 (KMM/ECW)

Plaintiff,

v.

ORDER

DHS, City of Willmar, Kandiyohi  
County, State of Minnesota, and  
Secretary Mayorkas,

Defendant.

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On May 31, 2024, United States Magistrate Judge Elizabeth Cowan Wright issued a Report and Recommendation (“R&R”) recommending dismissal of Plaintiff Makusha Gozo’s Second Amended Complaint. Mr. Gozo had until June 14, 2024 to file objections to the R&R. Fed. R. Civ. P. 72(b)(2); D. Minn. LR 72.2(b)(1). Mr. Gozo did not object by the June 14th deadline, nor has he filed anything since Judge Wright issued the R&R.

In the absence of objections to an R&R, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Having conducted the required review of the R&R and the record of these proceedings, the Court finds no error and accepts the R&R.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Dkt. 9) is **ACCEPTED**;

2. The Second Amended Complaint is **DISMISSED WITHOUT PREJUDICE**, for lack of jurisdiction, to the extent it seeks to bring claims against Defendants DHS, “Secretary Mayorkas,” the State of Minnesota and “Governor Walz”;
3. The Second Amended Complaint is **DISMISSED WITHOUT PREJUDICE**, as duplicative, to the extent it seeks to bring claims against Defendant Eric Tollefson in his official capacity;
4. The Second Amended Complaint is **DISMISSED WITHOUT PREJUDICE**, for failure to state a claim, to the extent it seeks to bring claims under (a) 42 U.S.C. §§ 1985 and 1986; and (b) the U.S. Constitution’s Eighth and Fourteenth Amendments;
5. The Second Amended Complaint is **DISMISSED WITH PREJUDICE**, for failure to state a claim, to the extent it seeks to bring claims under 18 U.S.C. §§ 241 and 242; 42 U.S.C. § 1997d; and 34 U.S.C. § 30301;
6. The Second Amended Complaint’s remaining state-law claims are **DISMISSED WITHOUT PREJUDICE**; and
7. The IFP Application (Dkt. 2) and Second IFP Application (Dkt. 4) are **DENIED AS MOOT**.

**Let Judgment Be Entered Accordingly.**

Date: **June 26, 2024**

s/ Katherine M. Menendez

Katherine M. Menendez  
United States District Judge